IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.3258 OF 2001

Bharatiya Kamgar Sena).. Petitioner

Versus

M/s.Walchand Nagar Industries Limited and others.).. Respondents

Mr.K.S.Bapat for the Petitioner.

None present for the Respondents.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 4TH JULY 2005

ORAL JUDGMENT :

. This Petition arises out of the order dated 4th May 2001 passed by the Member, Industrial Court, Pune dismissing Complaint (ULP) No.1111 of 1997. A common order was passed by the Industrial Court, Pune below Exhibit C-19 in Complaint (ULP) No.218 of 1998 and below Exhibit C-21 in Complaint (ULP) No.1111 of 1997 dismissing both the Complaints in view of the judgments of the Supreme Court in *Vividh Kamgar Sabha* vs. *Kalyani Steels Ltd.*, **2001 (1) CLR 532** and *Cipla Ltd.* vs. *Maharashtra General Kamgar Union and others*, **2001 (1) CLR 754**. The Industrial Court has considered the pleadings in the Complaint and has arrived at a conclusion that the Complaint is not maintainable. The Industrial Court has observed that the Petitioner Union has pleaded in their

Complaint that the Respondent Nos.2 to 15 are bogus contractors and a paper arrangement exists between Respondent No.1 and the other Respondents showing the workmen were employed by Respondent Nos.2 to 15. The Industrial Court has come to the conclusion that the Complaint is covered by the aforesaid judgments and has dismissed the Complaint in view of the pleadings. I see no infirmity with the impugned order of the Industrial Court. Petition dismissed.